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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

10/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@lmiplaw.com

Office Action Summary	Application No. 10/567,054	Applicant(s) PETRI, WERNER	
	Examiner Nuri Boran ALTUN	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment received on 10/09/2008 has been acknowledged. Claim 5 has been cancelled. Claims 1-4 and 6-17 have been amended. New claims 18-25 have been added.

Specification

1. The disclosure is objected to because of the following informalities:

Line 2 of page 11 should be changed back to 'coupling point 22.' Line 24 of page 11 should be changed to 'articulation point 27'.

Appropriate correction is required.

Claim Objections

Previous claim objection has been overcome.

Claim 15 recites, "The clamping device as claimed in claim." The preamble of the claim does not indicate what claim is being dependant from. This claim will be considered as depending from claims 1 or 2, as consistent with the previous set of claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, 6-10, 12-17, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites 'a spring means' in line 3, 'a spring means' in lines 7-8 and 'the spring means' in lines 8-9 of the claim. It is not clear if the elements are the same or different.

Claim 1 recites 'a clamping device' in line 1, 'a clamping device' in lines 6-7 of the claim. It is not clear if the elements are the same or different.

Claim 7 recites the limitation "the clamping lever" in lines 1-2. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitation "the articulation point," "the offset" in line 2 and "the pivot" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 17 recites the limitation "the rotational axis" in line 2 and "the articulation point" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites, "an angle of inclination which influences the offset..." It is not clear how the geometry of an angle influences the offset between the spring articulation point and the pivot of the actuating lever."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1, 3, 4, 6-10, 12, 13 and 15-25** are rejected under 35 U.S.C. 102(b) as being anticipated by **Bogner et al. (DE10146612)**.

As per claim 1, Bogner et al. teach a clamping device (21), for a traction means (11) of a traction mechanism whose rotatably mounted roller (10) which is connected to a spring means (12) bears in a frictionally locking fashion against the traction means, the traction mechanism which is assigned to an internal combustion engine including a drive (40) and an output of a starter generator (30), comprising a clamping device, a pivotable roller lever (9) which is supported on a spring means (12) and on which the roller is positioned (see Figs. 5 and 8),

and the spring means is also connected to an actuating lever (33) that has two support faces that are at an angle of less than 180° with respect to one another (see Figs. 5, 8 and first sentence of paragraph 0035 of the translation of Bogner et al.; spring is connected to the actuator lever through the base part); a plurality of reference faces (37) on a housing wherein the support faces (33) are pivotable with respect to the reference faces and define therewith end positions of the actuating lever (paragraph 0033 of the translation); and an actuator (35) which in conjunction with a controller (paragraph 0008 lines 1-7 of the translation), pivots the actuating lever between at least two positions, as a function of an operating state (paragraph 0008 of the translation)

As per claim 3, Bogner et al. teach the actuating lever (33) being pivotable between a first position, corresponding to a starting mode, and a second position, corresponding to a generator mode, of starter generator (30) (paragraph 0011 lines 15-

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19 of the translation; paragraph 0013 lines 10-14 of the translation; paragraph 0030 lines 10-11 of the translation).

As per claim 4, Bogner et al. teach the actuator (35,) pivoting the actuating lever (33) between a plurality of positions which are determined as a function of the operating state of individual assemblies and/or operating parameters of the internal combustion engine (paragraph 0011 lines 15-19 of the translation; paragraph 0013 lines 10-14 of the translation; paragraph 0030 lines 10-11 of the translation; see Fig. 5 and 7).

As per claim 6, Bogner et al. teach the actuating lever being adjustable by means of an electrically actuated actuator (25).

As per claim 7, Bogner et al. teach the clamping lever of which interacts with a pneumatically acting actuator (paragraph 0015).

As per claim 8, Bogner et al. teach a hydraulically acting or electro-hydraulically acting actuator (paragraph 0015) adjusting the actuating lever.

As per claim 9, Bogner et al. teach, for the purpose of hydraulic actuation, a lubricant circuit or a pressurized circulation lubrication system of the internal combustion engine acts on the actuator (paragraph 0015; it is construed that hydraulic actuation requires lubricant circuit or a pressurized lubrication system of the engine) and triggers adjustment of the actuating lever (33) in conjunction with the controller.

As per claim 10, Bogner et al. teach the control process (28) of which includes signal processing with at least one sensor (29) which actuates the actuator as a function of operating states of an assembly and/or operating parameters of the internal combustion engine (paragraph 0032).

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As per claim 12, Bogner et al. teach the spring means comprises a hydraulic element (first sentence of paragraph 0036).

As per claim 13, Bogner et al. teach the roller lever (9) of the clamping device being pivotable about a rotational axis (axis of 15) on which the rotatable roller (10) which is assigned to the traction means (11) is positioned (see Figs. 5 and 8).

As per claim 15, Bogner et al. teach an offset occurring between an articulation point for the spring means and a pivot of the actuating lever irrespective of the end position or position of the actuating lever (see Fig. D).

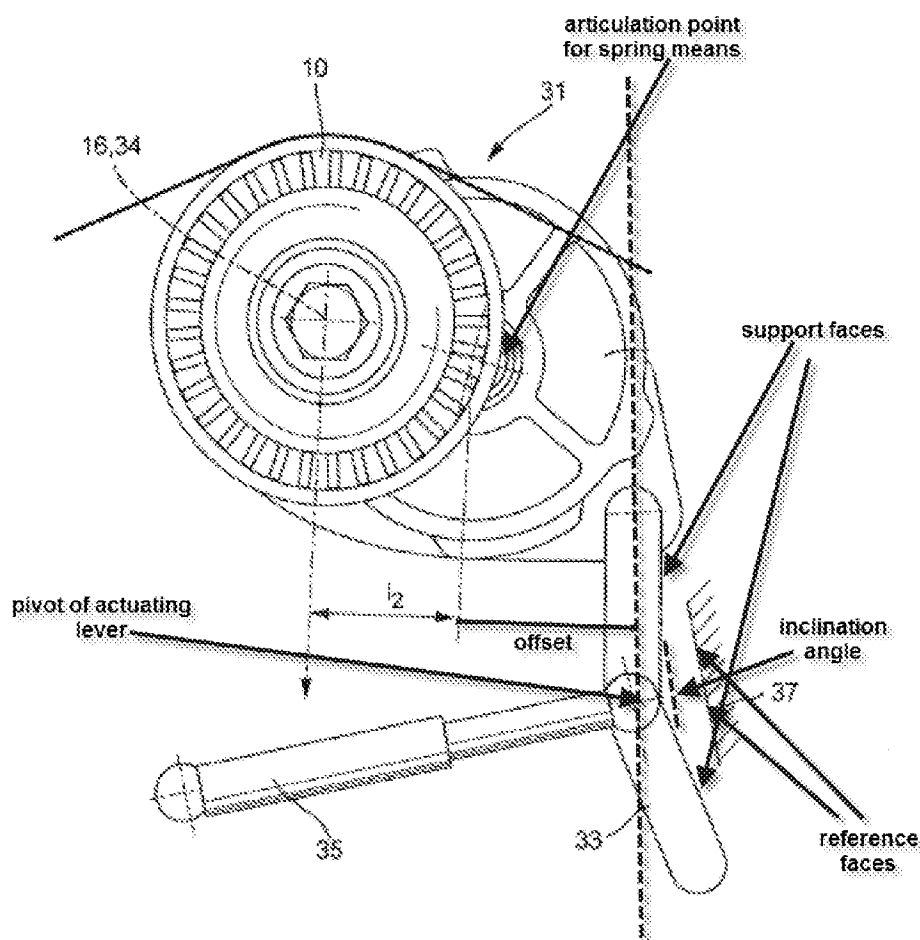


Fig. D

As per claim 16, Bogner et al. teach an angle of inclination which influences the offset (see Fig. D; the angle of inclination changes during pivoting of the lever; therefore the angle is considered as influencing the offset which changes as the lever pivots) between the articulation point and the pivot of the actuating lever (33) being set between the support faces of the actuating lever and the reference faces of the housing.

As per claim 17, Bogner et al. teach an axial offset "I.sub. 2" being set between the rotational axis (16) and the articulation point for the spring means irrespective of the position of the roller lever (see Fig. D).

As per claim 18, Bogner et al. teach an apparatus for adjusting the tension of a traction belt (11) that is part of a traction mechanism, comprising:

a rotatably mounted roller (10) which is connected to a spring mechanism (12) such that the roller contacts the traction belt in a frictionally locking fashion (see Figs. 5 and 8); a traction mechanism comprising a drive belt (11) and a driving element; a clamping device comprising a pivotable roller lever (9) which is supported at one end on the spring mechanism (12) and at another end on the roller (10) (see Fig. 8),

wherein the spring mechanism (12) is connected to an actuating lever (33) having two non-parallel support faces (33) (see Figs. 5, 8 and first sentence of paragraph 0035; spring is connected to the actuator lever through the base part);

at least one reference face (37) against which the support faces (33) can be brought to bear (paragraph 0035)

an actuator (35) and a controller for controlling the actuator (paragraph 0008 lines 1-7) which are configured to pivot the actuating lever between at least two

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positions, as a function of an operating parameter of an internal combustion engine (paragraph 0008),

wherein the support faces (33) are pivotable with respect to the at least one reference face (37) (paragraph 0035).

As per claim 19, Bogner et al. teach the actuating lever (33) being pivotable between a first position, corresponding to a starting mode, and a second position, corresponding to a generator mode, of starter generator (30) (paragraph 0011 lines 15-19 of the translation; paragraph 0013 lines 10-14 of the translation; paragraph 0030 lines 10-11 of the translation).

As per claim 20, Bogner et al. teach the actuator (35) pivoting the actuating lever (33) between a plurality of positions which are determined as a function of the operating state of individual assemblies and/or operating parameters of the internal combustion engine (paragraph 0011 lines 15-19 of the translation; paragraph 0013 lines 10-14 of the translation; paragraph 0030 lines 10-11 of the translation; see Fig. 5 and 7).

As per claim 21, Bogner et al. teach an actuating lever (33) with two support faces which are at an angle with respect to one another (see Fig. 5) and which, in conjunction with reference faces (37) on a housing define end positions of the actuating lever (paragraph 0035).

As per claim 22, Bogner et al. teach the actuating lever being adjustable by an electrically actuated actuator (25).

As per claim 23, Bogner et al. teach at least one sensor (29) which actuates the actuator (25) as a function of at least one operating state of an internal combustion engine (paragraph 0032).

As per claim 24, Bogner et al. further teach the spring mechanism comprises a spring and a damper (paragraph 0027).

As per claim 25, Bogner et al. teach the spring means comprises a hydraulics (first sentence of paragraph 0036).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **2 and 11** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Bogner et al. (DE10146612)**, in view of **Bonkowski et al. (DE10057818)**.

As per claim 2, Bogner et al. teach the clamping device which prestresses a traction means (11) of a traction mechanism, comprising a rotatably mounted assembly which is supported by a spring means (12) being provided as a clamping device and its roller (10) bearing in a frictionally locking fashion against the traction means (see Fig. 5),
the traction drive which is assigned to the internal combustion engine including a drive (40) and output of the starter generator (30), wherein

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the spring means is connected at one end to a pivotably arranged actuating lever (33) (see Figs. 5, 8 and first sentence of paragraph 0035; spring is connected to the actuator lever through the base part) having support faces (33) that are pivotable with respect to the reference faces on a housing (paragraph 0033), and an actuator (35) and a controller, for effecting pivoting of the actuating lever (paragraph 0008 lines 1-7) automatically between at least two positions or end positions as a function of an operating state (paragraph 0008).

However Bogner et al. fail to teach the spring means being connected at the other end to the starter generator and an actuating lever having support faces that are pivotable with respect to reference faces on a housing.

Bonkowski et al. teach traction mechanism drive for a starter generator with the concept of having spring means (10) being connected at the other end to the starter generator (2) (see Fig. 1 and 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mechanism of Bogner et al. to include spring means taught by Bonkowski et al. in order to provide a better communication of parts and therefore better prestressing of traction mechanism.

As per claim 11, Bogner et al. further teach the device with a spring-damper unit being used as the spring means (page7, line 17 – page8, line 2).

Claim **14** is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Bogner et al. (DE10146612)**,

As per claim 14, Fig. 5 of Bogner et al. teach all the structural limitations of the claimed invention, but doesn't explicitly disclose the roller lever being triangular with three apexes, wherein each apex of the triangular roller lever being assigned in each case one of the components of the roller spring means and rotational axis.

Fig. 1 of Bogner et al. teach the roller lever (22) being triangular with three apexes, wherein each apex of the triangular roller lever being assigned in each case one of the components of the roller spring means and rotational axis (see Fig. 1 and 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the roller lever of Fig. 5 of Bogner et al. with the roller lever taught by Fig. 1 of Bogner et al. as an obvious alternative lever structure which yields the predictable results of proper tensioning in a compact structure.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fulghum (3,800,612).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nuri Boran ALTUN whose telephone number is (571)270-5807. The examiner can normally be reached on Mon - Fri 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272 7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

NBA